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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Integrating the human rights of women throughout the United Nations system

Report of the Secretary-General

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Introduction

1. The present report is submitted in accordance with Commission resolution 2001/50 and summarizes steps that have been taken to integrate gender perspectives fully into the United Nations human rights system. It updates the reports submitted in 1997, 1998, 1999, 2000 and 2001 on the same issue (E/CN.4/1997/40; E/CN.4/1998/49 and Add.1; E/CN.4/1999/67 and Add.1, E/CN.4/2000/67 and E/CN.4/2001/71). It deals with the concept of gender mainstreaming and considers the most recent steps and initiatives taken by the Office of the High Commissioner for Human Rights, treaty monitoring bodies and human rights mechanisms, as well as the Commission on Human Rights, for that purpose.

I. MAINSTREAMING THE GENDER PERSPECTIVE

2. The Charter of the United Nations, the Universal Declaration of Human Rights and the international human rights instruments assert the fundamental principle of non-discrimination: everyone is entitled to all the rights and freedoms set forth in those instruments, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or status.

3. While the principle of non-discrimination is a widely accepted norm, some aspects of it have proved easier to implement than others. The elimination of discrimination on the ground of sex still remains far from being attained despite gains made generally in the field of human rights. The World Conference on Human Rights in 1993 therefore set as a priority for Governments and the United Nations the achievement of the full and equal enjoyment by women of all human rights.

4. The integration of gender concerns in all aspects of United Nations activities was recommended at all recent global conferences and was given strong emphasis by the World Conference on Human Rights and the Fourth World Conference on Women. The Fourth World Conference on Women reaffirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and established a number of specific strategic objectives to ensure that women enjoy their full human rights. The Beijing Declaration and Platform for Action restated and encouraged gender-sensitive analyses of human rights activity.

5. As stated in the United Nations system-wide medium-term plan for the advancement of women 1996-2001, which was endorsed by the Economic and Social Council in resolution 1996/34, the organizations of the United Nations system have committed themselves to promote and to advocate women's full and equal enjoyment of all human rights and to advocate in particular a rights-based approach to the advancement of women in such areas as employment, education, violence against women and health and reproductive rights, as well as in development activities.

II. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

6. This section gives a brief overview of the various recent steps and initiatives undertaken by OHCHR in mainstreaming a gender perspective.

7. On the occasion of the International Day for Women 2001, OHCHR launched a web page on women's human rights and gender equality. The launching of the page was an occasion to reaffirm that women's rights are human rights. Noting that it is essential to acknowledge that there can be no human rights without women's rights, the High Commissioner for Human Rights expressed her commitment to ensuring that the United Nations remains the uncompromising guardian of women's human rights. The new page includes all relevant human rights information regarding women's rights and gender equality and provides links to the web pages of OHCHR's United Nations system partners.

8. From 25 to 27 June 2001, the United Nations Population Fund and OHCHR organized in Geneva a follow-up meeting to the 1996 seminar on "Human rights approaches to women's health, with a focus on sexual and reproductive health and rights", that had been co-organized in Glen Cove , United States of America, by UNFPA, the Office of the High Commissioner for Human Rights (then Centre for Human Rights) and the Division for the Advancement of Women of the Secretariat. The Glen Cove seminar aimed at contributing to the work of the treaty bodies in interpreting and applying human rights standards to issues relating to women's health.

9. The purpose of the follow-up meeting was to assess progress since 1996 and consider obstacles and opportunities in making the monitoring work of the treaty bodies more effective in assisting States parties to give full effect to treaty obligations relevant to reproductive and sexual health. The meeting concluded that these issues are central to the full and equal enjoyment of human rights of the vast majority of women in the world. Many risks to sexual and reproductive health are caused by a failure to protect women from discrimination based on gender, often resulting from attitudes and practices which reinforce the denial of equal rights. The presentations and discussions highlighted how human rights violations, such as forced marriage, sexual violence, trafficking and female genital mutilation, have negative consequences for sexual and reproductive health.

10. The meeting reviewed research analysing the concluding observations adopted by the treaty bodies when they examine reports submitted by States parties, as well as the relevance of their general comments and recommendations. It identified the need for additional efforts to clarify further the relevance of the provisions of the six human rights treaties to the various dimensions of the human rights violations experienced with regard to sexual and reproductive health, particularly by women.

11. Different sessions sought to examine the impact of clinical services, health systems and other underlying social, economic, legal and political factors - with particular attention to gender discrimination - on the enjoyment of sexual and reproductive health rights. Participants explored the links between research and reporting on global trends and indicators on reproductive and sexual health and the monitoring of the implementation of human rights norms. Three specific issues (unsafe abortions, the special case of adolescents, and HIV/AIDS) were selected for

discussion in smaller working groups. The HIV/AIDS epidemic, for example, provides a powerful illustration of the relevance of reproductive and health issues to the work of the six treaty bodies, including the Committee against Torture (CAT), with regard to the right not to be subjected to cruel and unusual treatment. However, to date, the approach taken by each treaty body has tended to be different. The meeting facilitated the exchange of information and experience by treaty body members, and encouraged the adoption of common approaches to facilitate attention by States parties to the human rights problems they face in this area.

12. The meeting adopted recommendations calling for States parties to give increased attention to sexual and reproductive health in the implementation of their human rights obligations and to include relevant information in the reports submitted to treaty bodies. It also formulated recommendations calling on United Nations agencies and on non-governmental organizations to improve their efforts to address sexual and reproductive health from a human rights perspective and to support the monitoring mandate of the treaty bodies in this regard. The recommendations sought to identify the type of information needed, and the range of positive measures which States are required to adopt under relevant treaty provisions to ensure the enjoyment of those rights. It emphasized the need for effective action to take place at national and local levels.

13. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in September 2001 called attention to the double or multiple discrimination faced by many women, too often marginalized within their own ethnic group because they are women and also victims of more general gender discrimination. Discussions during the preparatory process and at the Conference highlighted the international commitment to integrate a gender perspective into policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related discrimination. The Conference has facilitated the recognition of the need to integrate a gender perspective and give specific attention to the multiple discrimination experienced by women and girls, highlighting the need for additional attention to: (a) particularly vulnerable groups, including indigenous women, women migrants, and refugee and internally displaced women and girls; (b) the gender dimensions of human rights violations that are often associated with racial discrimination, including trafficking, sexual violence, or poverty; (c) the need to pay particular attention to the intersection of racial and gender discrimination in many fields, including education and the administration of justice; (d) the need to ensure full participation and empowerment of women and girls, including by taking into account gender issues in human rights and anti-racism education strategies or in efforts to improve monitoring, evaluation and research in the field of racism. In the framework of the World Conference, OHCHR organized or co-organized three relevant parallel events and participated in many others.

14. The panel on the impact of multiple forms of discrimination on women co-sponsored by OHCHR and the Division for the Advancement of Women focused on the gender dimension of racial discrimination. There has been growing recognition in recent years that racial discrimination does not always affect women and men in the same way. In some circumstances, women belonging to particular racial or ethnic groups may face dual or multiple forms of discrimination based on race, gender, religion, nationality, social class, caste, age and/or other status. Racism is frequently linked to hatred and intolerance of other facets of identity, including

sexual orientation. These factors make a difference in the ways in which women experience discrimination. By understanding the gender dimension of racial discrimination, decision makers will be better able to design responses to racial discrimination that are effective for both men and women.

15. OHCHR also organized a workshop on the intersectional discrimination on the basis of gender and race. The intersectionality concept, which refers to the multiple forms of discrimination an individual can face, had been raised at several regional and expert meetings and it was felt that the clarification of the concept would be valuable in the context of the World Conference. Indeed, the concept of intersectional discrimination can be of use to frame the complexity of problems such as violence or trafficking. The workshop helped set forth several proposals to ensure that the interpretation of human rights conventional guarantees includes all victims of discrimination.

16. A second workshop, on voices of indigenous women, was also organized in Durban. The workshop provided a forum for listening to indigenous women speaking about their daily experience of discrimination on the basis of race and gender. The round table was designed as an open space to enable indigenous women to bring their perspective into the fight against racism. The discussion addressed issues such as health, education, access to land, violence against women, economic empowerment and participation.

17. OHCHR was represented at the meeting "Women, Sexuality and Social Change in the Middle East and the Mediterranean", organized by the NGO Women for Women's Human Rights. The Office also participated at the Third International Conference on Fundamental Rights and Freedoms, organized by the Faculty of Law of the University of Zaragoza, Spain, whose main theme was "Gender and Human Rights".

18. Cooperation between the Division for the Advancement of Women and OHCHR is being maintained and strengthened. In that regard, a joint work plan for the Division and the Office has been agreed upon and submitted to both the Commission on the Status of Women and the Commission on Human Rights, together with an assessment of the implementation of the joint work plan agreed for 2001 (E/CN.4/2002/82).

III. STEPS TAKEN BY HUMAN RIGHTS TREATY BODIES AND BY HUMAN RIGHTS MECHANISMS AND PROCEDURES

A. Human rights treaty bodies

19. With regard to steps taken by the various human rights treaty bodies, a more comprehensive list of activities, as well as an assessment of activities, was included in the reports submitted to the Commission at its fifty-third, fifty-fourth and fifty-fifth sessions (E/CN.4/1997/40, E/CN.4/1998/49 and Add.1 and E/CN.4/1999/67 and Add.1).

20. The six treaty bodies devoted particular attention to the human rights of women and girls with regard to sexual and reproductive health in 2001. One or two members from each treaty body participated actively in the joint OHCHR-UNFPA meeting on the application of human rights to reproductive and sexual health mentioned above. Several of the treaty bodies undertook

follow up activities later in the year, with the Committee on the Rights of the Child (CRC), CAT, the Human Rights Committee (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR) having scheduled reports on the meeting which are also planned for the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD). In the case of CESCR, a full discussion was held on further follow-up needed, with all treaty bodies intending to examine the recommendations of the meeting to seek further improvements in the consideration of the relevant rights of women and girls as enshrined in each treaty.

21. In the year under review, the Committee on the Rights of the Child has been singled out for more detailed reporting on its activities.

Committee on the Rights of the Child

22. The Committee on the Rights of the Child gives particular attention to the human rights of girls and to gender discrimination. Committee members participated in the joint OHCHR-UNFPA meeting on the application of human rights to sexual and reproductive health. Discussions in one of the working groups focused on the specific case of adolescents. The Committee also paid particular attention to the human rights of girls and boys with regard to the special session of the General Assembly on children and to the Second World Congress against Commercial Sexual Exploitation of Children.

23. In January 2001 the Committee adopted its first general comment, on article 29 (1) of the Convention, dealing with the aims of education. The Committee pointed out that school curricula at all levels must include respect for the principle of gender equality. It also indicated that addressing gender discrimination in the curriculum is not sufficient to ensure compliance with article 29 (1) of the Convention. Gender discrimination can be reinforced not only by a curriculum or the use of textbooks and other materials whose content is inconsistent with gender equality, but also by schools and "arrangements which limit the benefits girls can obtain from the educational opportunities offered, and by unsafe or unfriendly environments which discourage girls' participation".[1]

24. The Committee also adopted in October 2001 guidelines regarding initial reports to be submitted by States parties under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/OP/AC/1), which will enter into force on 12 February 2002. The Committee suggests that States parties provide gender-disaggregated data in their reports: data on the voluntary recruitment of children below the age of 18 years and on students attending schools operated by or under the control of the armed forces. Reports should contain information on the measures adopted to ensure the social reintegration of demobilized children taking into account the "specific needs of children concerned depending notably on their age and sex".

25. The Committee's annual day of general discussion, held on 28 September 2001, focused on "Violence against children within the family and in schools". It highlighted the need to adopt broad and comprehensive approaches to address all sorts of violence and abuse, including, female genital mutilation, "honour killings" and marital rape - to which girls may be particularly exposed in the context of early marriages. Some of the numerous and detailed recommendations

adopted by the Committee call attention to the specific violations of human rights that girls and boys may suffer, or be disproportionately exposed to, or differently affected by, as a result of their gender. The Committee called attention to the impact of gender discrimination in the major international study it has requested on violence against children. It also drew attention to the need to ensure that within existing human rights mechanisms adequate attention is paid to the violence suffered by girls. Some of the documents submitted for the day of general discussion highlighted the impact of spousal abuse on the enjoyment of human rights by all children.[2]

26. In its recommendations, the Committee suggested that, "[w]ithin the family, gender discrimination can produce different patterns of vulnerability. While both boys and girls are subject to physical and sexual violence, boys can be particularly exposed to physical violence and girls to sexual violence, which must be taken into account in planning prevention and responses while ensuring that the impact on both boys and girls is not neglected". It also indicated that in schools "[g]ender discrimination can result in different patterns of risk and abuse suffered by boys and girls. Boys may be more often exposed to corporal punishment as a form of discipline and less effectively protected from violence and bullying by other students, as well as from involvement in violence. While both boys and girls are subject to sexual abuse, girls may be more often exposed to sexual violence at the hands of teachers and of other students that can also result in a denial of their right to education when fear of such risk leads to avoidance of schools".[3]

27. The Committee continued to give attention to gender issues and the human rights of girls in its examination of the reports presented by States parties on their implementation of the Convention on the Rights of the Child. In particular, it examined systematically the impact of broad-based gender discrimination on the enjoyment by girls of their human rights. In some cases, such discrimination is enshrined in national legislation or the result of the application of customary, traditional or religious laws. The Committee noted the efforts made by several States parties to redress legal discrimination, sometimes including the establishment of relevant government institutions. However, it often expressed its concern at the difficulties encountered in implementing legislation banning gender discrimination and other relevant legal reforms. It called for additional efforts to provide appropriate training to relevant professional groups, particularly those involved in law enforcement. More pervasively, the Committee found that girls continue to be affected by discrimination based on social attitudes and traditions resulting in "de facto" discrimination. In some cases, the Committee also noted particular instances where boys are disproportionately affected by violations of their human rights, or where promotion of human rights requires that specific attention be given to the distinct issues affecting boys, or to the different ways in which both girls and boys may be denied their rights.

28. One of the specific discrimination issues often raised by the Committee was unacceptable gender disparity in the minimum age for marriage. Occasionally, the absence of any minimum age-limits may contribute to the practice of early or forced marriage. Among other civil and political rights violations affecting children, the Committee noted the impact of discriminatory legislation that affects the right of women married to non-nationals to retain or transmit their own nationality to their children. The Committee indicated on a number of occasions that children have the right to be protected not only against violence and abuse suffered within the family, but also against the negative impact on them of spousal abuse. The Committee also raised with regard to several States parties the insufficient attention given to the obligation, under

article 27 (4) of the Convention, to ensure that appropriate measures are taken to secure the recovery of maintenance for the child from the parents - a problem that often affects in particular children growing up in female-headed households. It asked for efforts to disseminate relevant information through channels accessible to illiterate women. The Committee also adopted recommendations with regard to legislation (or its implementation) unduly basing decisions on child custody on automatic preference for parents of one or the other gender, rather than on the best interests of each child, as required by article 3 of the Convention.

29. The Committee made extensive observations on the right to health and related rights of women and girls, including on measures to address maternal mortality and the need to promote and support breastfeeding. It expressed concern about gender disparities in the rates of malnutrition and child morbidity and mortality (including infanticide). It formulated recommendations with regard to harmful traditional practices, including female genital mutilation and occasionally also food and other taboos particularly affecting women and girls. On one occasion, it also addressed the prevalence of eating disorders among adolescent girls. The Committee paid particular attention to sexual and reproductive health issues, calling attention to high rates of early pregnancy and sexually transmitted diseases in many States parties and encouraging access to age- and context-appropriate sex education, and to medical advice and services, for both girls and boys. The Committee made many recommendations focusing on the transmission and impact of HIV/AIDS, including on mother-to-child transmission, adolescent health and AIDS orphans.

30. With regard to education, the Committee has systematically noted that school enrolment rates are almost invariably lower for girls - and in a few cases so low as to be a matter of the greatest concern. However, in a few cases, the Committee noted gender disparities in school drop-out or repetition affecting boys, and in one case it noted that a significantly higher proportion of girls than boys were in tertiary education. In addition, the Committee expressed serious concern on several occasions about the reported problems of sexual abuse and violence in schools (both at the hands of teachers and of other students), very often affecting girls disproportionately. The Committee also formulated a recommendation on the unacceptability of policies that exclude pregnant girls from school, and noted the additional support that may be needed to implement the right to education of pregnant girls. The Committee made specific observations about the obligation to address the development of respect for gender equality as part of the school curriculum.

31. Among the observations made regarding "special protection" rights, the Committee identified problems affecting the human rights of girls. It has often addressed the need for improved legal and policy measures to protect girls from sexual abuse and exploitation while expressing concern about cases where legislation on sexual abuse refers exclusively to girls, excluding boys from similar protection. The Committee also mentioned the human rights problems, in some cases amounting to sale and trafficking, experienced by girls working as domestic employees, sometimes involving girls of unacceptably low age, including denial of schooling, or sexual and other abuse. In a rare reference to the rights of girls in conflict with the law, the Committee expressed concern in one case about girls not being held separately from adult women.

32. While the Committee tries to ensure consistency in its attention to the human rights problems which affect girls disproportionately or distinctly, the inclusion or exclusion of observations regarding the general problem of gender discrimination in a few of the reports examined should not be seen as reflecting the presence or absence of gender discrimination in those States parties. The Committee may decide that a State party is making efforts to address gender discrimination that are accomplishing significant progress and that other human rights issues are in greater need of being highlighted, or not have at its disposal relevant information. It is also difficult for the Committee to address the implementation of the Convention in the case of girls alleged or recognized as having infringed the penal law. Yet there are indications that gender discrimination affects the extent to which either boys or girls come into contact with the juvenile justice system, as well as the treatment they receive when they do.

33. As can be seen from these references, the Committee continues its efforts to integrate a gender perspective in its monitoring of the implementation of the Convention on the Rights of the Child. It has sought to improve the consistency with which it draws attention to the human rights of girls, and it increasingly introduces a gender perspective in its work that allows it to draw attention not only to the specific human rights problems affecting girls, but also to the different violations of their human rights that boys may occasionally suffer, or be disproportionately affected by, because of their gender.

Human Rights Committee

34. A follow-up briefing for Committee members on the UNFPA-OHCHR workshop on reproductive and sexual health and human rights was organized by OHCHR and the World Health Organization on 30 October 2001, during the seventy-third session of the Committee. A number of proposed standard questions, to be included in the list of issues to be transmitted to States parties, that would deal with women's rights and gender issues were among the issues discussed.

Committee on the Elimination of Racial Discrimination

35. In its revised guidelines for periodic reports under article 9 of the Convention (CERD/C/70/Rev.5), the Committee requested that States parties address in their reports the matters contained in general recommendation XXV on gender-related dimensions of racial discrimination. Since the fifty-eighth session (March 2001), the Committee's concluding observations have increasingly recognized the intersection between gender and racial discrimination issues. Indeed, the Committee has pursued the issue of gender-related discrimination through its analysis of States parties' reports. The Committee has requested some States to submit in their next periodical report statistical data relating to discrimination based on gender. During the thematic discussion on the question of discrimination against Roma, the gender aspect was raised, in that regard. In its general recommendation XXVII on discrimination against Roma, the Committee recommended to States parties to take into account the situation of Roma women who are often victims of double discrimination. It has also called for the consideration of the specific situation of women and girls in the school system, in the

information and training sectors, and also in the health system and in designing health programmes. At its fifty-ninth session (August 2001), the Committee paid specific attention to the issue of women and girls in relation to various issues such as trafficking in persons in South Asia, migrant workers and reproductive health.

Committee on Economic, Social and Cultural Rights

36. The Committee on Economic, Social and Cultural Rights has consistently addressed the issue of gender discrimination in its work, both in the context of the reporting procedure, particularly under articles 3 (equal treatment of men and women) and 10 (protection of the family, mothers, and children) of the Covenant but generally under most articles of the Covenant, and in its general comments. Further to the adoption in 2000 of its general comment No. 14 on the right to health, the Committee is drafting a general comment on article 3 of the Covenant on equality between men and women in the enjoyment of economic, social and cultural rights.

Committee against Torture

37. In the framework of the examination of periodic reports, the Committee expressed its concern about situations of torture or cruel, inhuman or degrading treatment or punishment affecting women in particular. Allegations of rape and other forms of sexual abuse; ill-treatment and torture of internally displaced women; the incidence of violence against women in society, including violence in prisons and detention centres and domestic violence; the absence of a system for monitoring this type of violence and of programmes to prevent and combat it; and measures taken by States to combat trafficking are some of the issues raised by the Committee in its dialogue with States parties and reflected in its conclusions and recommendations.

Participation of women in human rights treaty bodies

38. The composition of the bodies established under the international human rights instruments must be considered as an indicator of the advancement of women within the United Nations system. In 2001, 1 man joined the 22 female members of the Committee on the Elimination of Discrimination against Women. The Committee on Economic, Social and Cultural Rights has 2 women among its 18 members. The Committee on the Elimination of Racial Discrimination is composed of 18 members, of whom 3 are women. The Committee against Torture has 1 woman member. The Committee on the Rights of the Child has 7 women among its 10 members and the Human Rights Committee has 2 women among its 18 members.

B. Human rights mechanisms and procedures

39. The special procedures and mechanisms have also been encouraged to integrate a gender perspective into their work. Each year, resolutions adopted by the Commission on Human Rights and the Economic and Social Council have encouraged and requested the special rapporteurs/representatives, experts and working groups to include in their reports

gender-disaggregated data, to address the characteristics and practices of human rights violations that are specifically or primarily directed against women or to which women are particularly vulnerable, and to enhance cooperation and exchange information among themselves and with the Special Rapporteur on violence against women.

40. This process is an ongoing one. Some - but not all - of the special procedures have been specifically requested by the Commission on Human Rights to ensure that gender considerations are fully reflected in their work.

41. Special rapporteurs have increasingly tended to examine the question of the enjoyment by women of their rights. They do not all give this matter equal attention: not all reports are gender specific, information is not always disaggregated by sex, and in some cases there seems to be insufficient analysis of the relevance of gender. Nonetheless, it is interesting to note that there is an encouraging trend towards increasing the integration of women's rights into the study of the subjects of many of the mandates. A number of special procedures and mechanisms have, in their reports, either included a specific section on women or have identified specific issues which have a particular impact on women's enjoyment of their rights.

42. This section is based on issues mentioned in the reports submitted by special rapporteurs in 2001 referring to information they were provided with during the year 2000. The reports submitted in 2002 covering information received in 2001 have not been finalized at the time of completion of this report. Therefore, in examining the reports submitted - in 2001 - by country and thematic rapporteurs, common concerns and conclusions can be noted. Most of the special rapporteurs referred to gender-based human rights violations with regard to equal access to education, literacy, health services, and to property, the right to inherit and participate in decision-making processes, as well as the persistence of harmful traditional practices. The problem most often mentioned is gender-based violence, in particular so-called "crimes of honour". As reflected in the reports, women are used as targets in various types of conflicts and are subjected to various types of violence: they are raped, sexually abused, beaten, tortured and killed. This violence reflects the low status of women in the societies concerned and their particular vulnerability.

43. Country rapporteurs are among the mechanisms increasingly referring to the situation of women when assessing the situation of human rights in the country of their mandate. Indeed, in his report to the Commission on Human Rights (E/CN.4/2001/39), the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran stated that despite certain improvements in the status of women, there had been little if any change in the systemic discrimination that Iranian women have been facing. He referred to the extensive section on women that appeared in the Human Development Report 1999 of Iran focusing particularly on violence against women.

44. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo briefly mentioned the particular situation of women in his report (E/CN.4/2001/40). He noted that the situation of women remained unchanged in 2000. The employment and education situation described in earlier reports had deteriorated even further as a result of the

war. According to some sources, women had an 8 per cent rate of HIV infection owing to poverty. This tragedy was caused not only by a lack of education, but also, and especially, by sexual contact, often under duress, with Rwandan and Ugandan soldiers, whose countries had a high rate of HIV infection.

45. In her report on the situation of human rights in Burundi (E/CN.4/2001/44), the Special Rapporteur said that acts of violence and discrimination against women were continuing, although they were rarely mentioned. Women suffered discrimination in the implementation of the law and in society. They rarely went to court to claim their rights, because of social pressure or simply out of ignorance. She expressed regret that the recommendations made by women at the meeting organized by the United Nations Development Fund for Women (UNIFEM) on 17 July 2000 in Arusha were not taken into consideration when the agreements were signed.

46. The Special Representative of the Commission on the situation of human rights in Equatorial Guinea included a reference to the situation of women's rights in his report (E/CN.4/2001/38). He noted that according to a report published by the National Programme of Action to Combat AIDS, there were twice as many women infected by HIV as men.

47. In his previous report, the Special Representative had drawn attention to the considerable discrimination faced by women in Equatorial Guinea, as reflected in the fact that the gross national product produced by women was less than half that produced by men; the illiteracy rate among women was three times greater than among men; and the number of women reaching secondary school level was half that of men, among other factors.

48. The report of the Special Representative of the Secretary-General for human rights in Cambodia referred to the situation of women in the country (E/CN.4/2001/103). The Special Representative noted that in Cambodia, domestic violence greatly affected women and children who were often dependent on male family members. The perpetrators of domestic violence often went unpunished.

49. The Special Representative urged the Government to pursue efforts to address the serious problems of trafficking and sexual exploitation of women and children. He stressed the importance of implementing the Five-Year Plan against Sexual Exploitation and Trafficking of Children adopted by the Council of Ministers in April 2000. The Special Representative had been informed of an initiative of the Ministry of Social Affairs, Labour, Vocational Training and Youth, in collaboration with UNICEF, for the return and reintegration of children and women trafficked between Cambodia, Thailand and Viet Nam.

50. The Special Rapporteur on the situation of human rights in Afghanistan continued to pay particular attention to the situation of women (E/CN.4/2001/43 and A/56/409 and Add.1).[4] He expressed regret at the major setback which occurred in July 2000 when the Taliban issued a decree banning Afghan women from working in aid agencies except in the health sector. The law not only represented a gross violation of the rights of Afghan women but also narrowed considerably the access to health assistance by more than 50 per cent of the Afghan population, since in Afghanistan only women aid workers can work with female beneficiaries. He recommended that agencies engage gender specialists to assess internally displaced persons' settings so that appropriate actions could be taken to address the different needs and rights of

women and men, and that internally displaced women be involved in planning, designing and monitoring of programmes. In cases where displaced women had input and ownership in programme activities, as well as in reintegration processes, the risks of gender rights abuses occurring were reduced. He also invited United Nations agencies to consider promoting an inter-agency mechanism to ensure institutional responsibility for gender in situations of displacement, and recommended that periodic gender audits be commissioned by the lead agency in a given setting of internal displacement to ensure that gender issues were addressed according to international standards and guidelines. The recommendations of the Special Rapporteur remain relevant for all United Nations activities in Afghanistan.

51. Gender-based violence and trafficking remain causes for concern in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia. The Special Rapporteur reported that the trade in women and children for the purpose of forced prostitution remains one of the most serious human rights violations being committed in Bosnia and Herzegovina. Information had been received from NGOs that women from Bosnia and Herzegovina were arriving at shelters in some Western European countries, indicating that the country was no longer a country of destination only, but also a country of origin. The causes of the trafficking problem in Bosnia and Herzegovina included the lack of an effective State border service, the existence of a market and - of greatest significance - economic conditions in the countries of origin. Disturbingly, recent raids on brothels in Bosnia and Herzegovina had shown that a substantial number of women were minors, some as young as 14. To date, responsibility for protecting their human rights had fallen almost entirely on the shoulders of the international community. Raids on nightclubs, coffee bars and other locations where trafficked women were believed to work were conducted by local police accompanied by members of the United Nations International Police Task Force. A State-level working group chaired by the Ministry for European Integration and the Stability Pact had been established to draw up a national plan of action (E/CN.4/2001/47 and Add.1).

52. Like country rapporteurs, thematic rapporteurs have also continued to consider the gender dimension of human rights violations and the impact of gender on the enjoyment of human rights. The fairly recently appointed special rapporteurs on economic, social and cultural rights have all reviewed the gender dimension of the rights included in their mandates.

53. The Special Rapporteur on the right to education made it an important part of her work to encourage the use of human rights standards in development cooperation, including those aiming at gender equality (E/CN.4/2001/52). She acknowledged that gender discrimination could not be eliminated as long as it remained artificially divided between different categories of rights. Further steps were necessary to design and put into practice a comprehensive strategy for its elimination with regard to the right to education, human rights in education, as well as enhancing the enjoyment of all rights and freedoms through education. Improved access of girls to school had been prioritized in the global education strategies by setting 2005 as the target year for the elimination of gender disparities, a full decade before access to school for all children should be attained. The record thus far had been mixed. The launching of the United Nations 10-Year Girls' Education Initiative provided a clear focus for further enhancing successes and facilitating the elimination of the existing obstacles. Human rights input figured prominently in the Initiative because it had been demonstrated that all individual rights affected education. Women's land ownership and employment opportunities influenced the motivation of parents

and girls themselves. Successful prolongation of girls' schooling delayed marriage and childbearing, thus decreasing fertility and the number of children to be educated in the future. Women's increased political representation often tended to have beneficial effects on governmental social policies. The commitment to increase access to education for girls had focused on the identification and elimination of obstacles, which had led to the realization that discrimination was often multiple, with race, family income, ethnicity, religion, and nationality compounding and complicating the task of eliminating gender discrimination. Mere access to school did not suffice and all human rights needed to be integrated in education so as to make schooling "human rights friendly". Studies of school textbooks often portrayed women as staying at home while men were out making history.

54. The Special Rapporteur also noted in her report that a particularly worrisome facet of intergovernmental gender policies had been the terminological shift to gender while continuing to talk only about girls and women. War was thus not seen as a gender issue although boys were disproportionately affected by it through their socialization into the role of combatants. Throughout history, schooling had contributed to the militarization of boys. For millions of boys, participation in warfare was a part of traditional initiation rituals through which boys became men. Glorification of war continued through textbooks dotted with wars and war heroes, through the promotion of violent sports, and through the almost limitless commercialization of computerized war games. Education for war had, unfortunately, a much longer tradition and was more commercially attractive than education for peace, and the human rights response ought to consider its gender dimension.

55. In his last report (E/CN.4/2001/51), the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living recognized that there was a gender dimension to almost every human rights violation and that this was especially true in respect of housing rights violations. Access to and control over land, property and housing were determinative of women's overall living conditions and were necessary to the development of sustainable human settlements in the world today. These entitlements were essential for women's economic and physical security and to the struggle for equality in gender relations. Pursuant to Commission resolution 2000/13, in order for women's critical role to be recognized and their rights advanced, the Special Rapporteur encouraged the international community to ensure that the strategies and objectives envisioned in numerous legal instruments were realized and that women were accorded substantive rather than illusory rights as they pertained to housing. He encouraged and supported the necessary structural transformation in respect of women's empowerment and, to that end, endeavoured to promote awareness of the commitments and responsibilities of Governments and the international community and their accountability in that regard. Of grave concern to the Special Rapporteur was the situation of women whose lives were governed by both constitutional and personal status laws. Of special importance to women in countries with such laws was that the equal right to inherit land and property was either precluded by customary law or mediated by a male relative. The Special Rapporteur stressed the right of women to be free from all forms of discriminatory conduct.

56. The Special Rapporteur on the right to food considered the impact of discrimination against women on the realization of the right to food. He noted that one of the main obstacles to the realization of the right to food was the social, economic and political discrimination experienced by women in many societies. Women and girls were often among the first to suffer

from famine and chronic malnutrition, but it was also they who passed on the mutilations of malnutrition from one generation to the next. With regard to nutrition and the status of women, in some countries widespread discrimination against girls and women correlated with high levels of illiteracy among women and girls, a very high fertility rate and lower female life expectancy. In many countries, women suffered from the unequal distribution of food within households. Yet women played a vital role in the realization of the right to food, since they bore and fed babies and children. For all these reasons, the recognition of the rights of women and the elimination of social, economic and political discrimination against them were preconditions for the realization of the right to food.

57. Special rapporteurs with a greater civil and political rights focus have also paid particular attention to the gender aspect of human rights violations. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has noted the importance of assessing the relationship between incidents of violence against women and the lack of effective enjoyment of the rights to opinion, expression, information, assembly and association. The Special Rapporteur again emphasized that effective participation depended on the ability to express oneself freely, to have access to the materials needed in order to have an informed opinion, to join with others in common cause for the common good, and to meet openly and without fear in order to discuss more widely the issues at hand and to act upon the decisions taken. He noted that, to the extent that there continued to be either advertent or inadvertent exclusion of women from peace processes, or the consciousness and deliberate enactment or application of laws that discriminated against women, their rights would be violated and their participation in such critical areas as peace and security would continue to be unlawfully limited (E/CN.4/2001/64).

58. The Special Rapporteur on the question of torture reported (E/CN.4/2001/66) that he had continued to receive information according to which women were subjected to gender-specific forms of torture, including rape, sexual abuse and harassment, virginity testing, forced abortion or forced miscarriage. A large number of individual cases had been transmitted, mostly in conjunction with the Special Rapporteur on violence against women, to several Governments in previous years. No additional issues regarding gender-specific forms of torture, except information on so-called virginity tests, had been drawn to the attention of the Special Rapporteur since his 1994 study (E/CN.4/1995/34) in which he examined questions concerning torture directed disproportionately or primarily against women and the conditions conducive to such torture.

59. The Special Rapporteur on extrajudicial, summary or arbitrary executions has continued to report (E/CN.4/2001/9 and Add.1 and Corr.1) on gender-based violations of the right to life, in particular the issue of honour killings. She noted that the main reason for the perpetuation of the practice of honour killings was the lack of political will by Governments to bring the perpetrators to justice. She urged Governments to make legislative changes to ensure that such killings received no discriminatory treatment under the law and to sensitize their judiciary to gender issues. Those threatening the lives of women should be brought to justice. She also called for government homes for women to avoid detaining against their will women whose lives were at risk. Prisons should never be used to detain potential victims of honour killings.

60. In his third report (E/CN.4/2001/WG.18/2), the independent expert on the right to development reaffirmed the importance of using a human rights approach to development. He noted that throughout much of the world, women experienced discrimination with regard to the right to food, the right to education and the right to health. In accordance with the Beijing Platform for Action, the independent expert did not consider the human rights of women as a separate element of the right to development, but as an integral part of each right comprising the right to development and of the method of realizing each right.

IV. ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS

61. At its fifty-seventh session, the Commission on Human Rights adopted resolutions relating to traffic in women and girls (2001/48), the elimination of violence against women (2001/49), and integrating the human rights of women throughout the United Nations system (2001/50). Further to its recent initiative, the Commission also adopted a resolution specifically relating to women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing (2001/34).

62. In other resolutions, including those on migrants, torture, extrajudicial, summary or arbitrary executions, racism, extreme poverty, freedom of opinion and expression, the right to food, the right to education, the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the rights of the child, the Commission made specific reference to gender mainstreaming and/or violations of the human rights of women and called for measures to combat those problems.

63. Also at its fifty-seventh session, the Commission voiced particular concern regarding violations of women's rights in specific countries, including Afghanistan, Rwanda, Myanmar, Sierra Leone and the Sudan.

V. CONCLUSION

64. The developments described in this report underline the need for all Governments to ratify, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the Convention on the Rights of the Child and its Optional Protocols. It is also important that action be taken to change existing or introduce new legislation in order to ensure protection of the human rights of women and to acknowledge the principle of gender equality as the basis for laws and practices which will promote women's concerns. States should regularly review reservations with a view to withdrawing them.

65. The obligations of States to prevent and redress violations of women's rights need to be further clarified. Women's different life experiences, both in private and in public life, such as in employment, education and political life, should be assessed more explicitly in order to identify obstacles to the enjoyment of their rights. In this regard, treaty bodies have an opportunity to clarify States parties' obligations to respect, protect, promote and fulfil the human rights of all. Specific recommendations were included in the report on this subject submitted to the Commission at its fifty-fifth session (E/CN.4/1999/67). Moreover, the recommendations

adopted at the recent follow-up seminar on the application of human rights to reproductive and sexual health in the work of treaty bodies should be considered by all those they address, including the treaty bodies themselves, States parties, United Nations agencies and bodies, and non-governmental organizations.

66. The report of the expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes, held in 1995, contains a wide range of recommendations (see E/CN.4/1996/105, para. 71). As the present report shows, progress in implementing those recommendations has been made. However, many of them are still relevant. A particularly noteworthy development is the trend towards acknowledging that gender policies should address all gender discrimination, including that affecting men.

Notes

[1] CRC/C/103, annex IX, appendix, para. 10.

[2] See CRC/C/111.

[3] Ibid.

[4] Note also the report of the Secretary-General on the situation of women and girls in the territories occupied by Afghan armed groups submitted to the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-third session (E/CN.4/Sub.2/2001/28).